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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,683

09/08/2006

Peter Ljung

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EXAMINER

KIM, HONG CHONG

ART UNIT

PAPER NUMBER

2185

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,683	Applicant(s) LJUNG, PETER	
	Examiner Hong Kim	Art Unit 2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/8/06 12/4/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 are presented for examination. This office action is in response to the application filed on 9/8/2006.

Information Disclosure Statement

2. Acknowledgment is made of applicant's Information Disclosure Statement (IDS) Form PTO-1449, filed on 9/8/06 and 12/4/06. The information disclosed therein was considered.

Specification

3. The status of the related U.S. applications must be updated accordingly (e.g., U.S. Patent Application Serial No. ####,### filled Sept. 07, 1990, now abandoned; ..., **now U.S. Patent #,###,### issued Jan. 01, 1994**; or This application is a continuation of Serial Number ####,###, filed on December 01, 1990, now abandoned; ...etc.) in the Related Applications section and in any other corresponding area in the specification, if any. Appropriate correction is required.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should be more specific to differentiate the invention from similar inventions in the patent literature. The "extra memory block" aspect of the invention should be mentioned in the title so that the title is more descriptive.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “moving the extra memory block one block forward”, “processing all of said number of memory blocks one by one by”, “writing updated data for the memory block adjacent to and after the extra memory block on the extra memory block”, and “moving said extra memory block forward one block at a time, until all of said number of memory blocks have been shifted one step in the address space” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 2, 4, 5, 6, 12, 7, 8, and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Yang U.S. Patent Application No. 2004/0040020 or Takahashi U.S. Patent Application No. 20020002652.

As to claims 1, 5, and 7, Yang discloses the claimed invention. Yang discloses method for updating software present in a first version in a device (para [0008] and [0017]), by receiving and executing a delta file for upgrading said first version to a second version (para [0026]), which software is divided and stored in a number of memory blocks defined in an address space of a physical memory (para [0025] and Fig. 2) in the device, comprising the steps of: defining an extra memory block (Fig. 2 Backup bank and Bubble) associated with said number of memory blocks, initially being placed before a first memory block located at one end of the memory space (para [0029-0030]); erasing said extra memory block; writing updated data for the first memory block on said extra memory block; moving the extra memory block one block forward; and processing all of said number of memory blocks one by one by erasing said extra

memory block, writing updated data for the memory block adjacent to and after the extra memory block on the extra memory block, moving said extra memory block forward one block at a time, until all of said number of memory blocks have been shifted one step in the address space (para [0008] and [0031]).

Alternatively, Takahashi discloses method for updating software present in a first version in a device (Fig. 5A, para [0069] and [0071]), by receiving and executing a delta file for upgrading said first version to a second version (Ref. C), which software is divided and stored in a number of memory blocks defined in an address space of a physical memory (Fig. 5) in the device, comprising the steps of: defining an extra memory block (Fig. 5 A) associated with said number of memory blocks, initially being placed before a first memory block located at one end of the memory space (Fig. 5A); erasing said extra memory block (Fig. 5B); writing updated data for the first memory block on said extra memory block (Fig. 5C); moving the extra memory block one block forward; and processing all of said number of memory blocks one by one by erasing said extra memory block, writing updated data for the memory block adjacent to and after the extra memory block on the extra memory block, moving said extra memory block forward one block at a time, until all of said number of memory blocks have been shifted one step in the address space (Figs. 5 and 9).

As to claims 2, 6, and 8, Takahashi further discloses the step of reversing the order of writing memory blocks in the address space, from said upgrade from a first version to a second version, to a second upgrade from said second version to a third

version (Fig. 5).

As to claims 4, 12 , and 10, Takahashi further discloses the step of modifying a start address within said address space in a boot code for said software, dependent on the moving of data between said memory blocks (Fig. 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 10 are rejected under 35 USC § 103(a) as being unpatentable over Yang U.S. Patent Application No. 2004/0040020 in view of Saito et al. (Saito) U.S. Patent Application No. 2002/0188814.

As to claims 4 and 10, Yang discloses the invention as claimed the above. However, Yang does not specifically disclose the step of modifying a start address within said address space in a boot code for said software, dependent on the moving of data between said memory blocks. Saito discloses the step of modifying a start address within said address space in a boot code for said software, dependent on the moving of data between said memory blocks (para [0100, [0068] and Fig. 2] for the purpose of increasing access speed and providing reconfiguration capability.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the step of modifying a start address within said address space in a boot code for said software, dependent on the moving of data between said memory blocks as taught by Saito into the system of Yang for the advantages stated above.

Allowable Subject Matter

9. Claims 3, 11, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

2. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).

3. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the

art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. ' 1.111(c).

4. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong C Kim whose telephone number is (571) 272-4181. The examiner can normally be reached on M-F 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7. Any response to this action should be mailed to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to TC-2100:
(571)-273-8300

Hand-delivered responses should be brought to the Customer Service Window
(Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

/Hong Kim/
Primary Examiner, Art Unit 2185
July 18, 2008